

Appl. No. 10/667,056
AmdtF dated December 22, 2005
Reply to Final Office Action of August 26, 2005

REMARKS

Applicant has carefully reviewed the Advisory Action mailed November 21, 2005, as well as the Final Office Action mailed August 26, 2005. As the Amendment After Final mailed October 26, 2005 has been indicated as entered, Applicant will not again address the previous rejections rendered moot by the claims canceled in the October 26, 2005 Amendment. Claim 13 has been amended to more particularly describe the invention. No new matter has been added, as these amendments are clearly supported in the specification and figures. Claims 13 and 15-20 are pending. Claims 18-20 have been indicated as allowed.

Applicant respectfully traverses the Examiner's rejection of claims 1-6, 10 and 12-20 under 35 U.S.C. §102(b) as anticipated by Friedman, U.S. Patent No. 1,719,428. Apparently, claims 18-20 are not intended to be included in this rejection, as they have been indicated by the Examiner to be allowable. Claims 1-6, 10 and 12 have been canceled, leaving claims 13 and 15-17 subject to this rejection. Applicant believes that the distinctions argued in the October 26, 2005, Amendment After Final define the invention over Friedman. However, in order to facilitate prosecution, additional distinctions are provided herewith. In order to anticipate, the cited reference must disclose each and every claimed element. Friedman fails to do so.

In particular, claim 13 (and thus claims 15-17 depending therefrom) has been amended to recite an elongate guidewire port. While Applicant does not concede that Friedman discloses any sort or manner of guidewire port, it is clear that Friedman does not disclose an elongate guidewire port. Friedman discloses spray apertures that appear to be circular in shape. A spray aperture, even if a guidewire could possibly be inserted therein, is not a guidewire port. A circular aperture is not an elongate guidewire port.

Thus, Friedman fails to disclose each and every claimed element, and cannot be considered as anticipatory. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claims 5 and 13-17 under 35 U.S.C. §103(a) as unpatentable over Alchas, U.S. Patent No. 5,030,210. Claims 5 and 14 were previously canceled, leaving claims 13 and 15-17 subject to this rejection. The Examiner has asserted that it would be obvious to modify the catheter disclosed by Alchas by angling the slit to extend at an angle of less than 90 degrees to the outer surface of the polymer sheath, thereby

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having a slit depth that is greater than the sheath thickness. This is incorrect, as argued in the Amendment After Final mailed October 26, 2005.

Moreover, as noted above, the claimed invention has been amended to recite an elongate guidewire port. Alchas, in contrast, shows a circular port 40. A circular port is not an elongate port. An aperture formed to permit fluid to flow therethrough, even if a guidewire could conceivably be inserted therein, is not a guidewire port. This is a claimed element not shown or suggested by the claimed invention.

Further, the claimed invention has also been amended to require that the polymer sheath disposed over the elongate guidewire port include an angled slit that extends radially through the polymer sheath and that is disposed along a longitudinal axis of the elongate shaft. In Figures 7-10 of Alchas, which is the portion apparently relied upon by the Examiner, Alchas teaches a slit that is perpendicular to the longitudinal axis, rather than parallel with.

While Alchas does describe (column 6, lines 42-48) possibly altering the orientation of a slit valve, one of skill in the art will recognize that Alchas is discussing possibly changing the orientation of a slit valve formed in an end wall (the embodiments shown in the earlier Figures, not in Figures 7-10). Alchas makes no suggestion to modify the orientation of the slit shown in Figure 7.

Therefore, Alchas neither describes nor suggests the claimed invention. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claims 13-17 under 35 U.S.C. §103(a) as unpatentable over Yurek et al., U.S. Patent No. 5,690,644, in view of Alchas, U.S. Patent No. 5,030,210. Claim 14 was previously canceled, leaving claims 13 and 15-17 subject to this rejection.

The Examiner relies upon Alchas to suggest the claimed angled slit having a depth greater than the sheath thickness. However, as discussed above, one of ordinary skill in the art would not interpret Alchas as making any such suggestion. Favorable reconsideration is respectfully requested.

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Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his Attorney,



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